

USE OF EMERGENCY VEHICLES DURING HIGH SPEED MOTOR VEHICLE PURSUITS

Policy

It is the policy of the New Mexico Department of Game and Fish to initiate, participate in or continue a high-speed motor vehicle pursuit to apprehend a suspect only when the officer has reasonable grounds to believe that the occupants of another moving vehicle pose a **clear** and **immediate threat** of death or serious injury to others or who the officer has probable cause to believe poses a **clear** and **immediate threat** to the safety of others that is ongoing and that existed prior to the high-speed pursuit.

Definitions

- A. HIGH SPEED MOTOR VEHICLE PURSUIT: (MV pursuit): means an active attempt by a Conservation Officer operating an authorized emergency vehicle to apprehend one or more occupants of another moving vehicle, when it is reasonably apparent that the driver of that vehicle is aware of that attempt and is resisting apprehension by increasing speed in excess of the posted speed limit, driving in excess of speeds that are safe (based on road conditions), disobeying traffic laws, or attempting to elude the officer through evasive maneuvers or tactics.
- B. INITIATING PURSUIT OFFICER: means the officer who initiated the MV pursuit.
- C. PRIMARY PURSUIT OFFICER: The officer who has assumed the lead position in the MV pursuit. The primary pursuit officer shall be in charge of the MV pursuit and shall have supervisory responsibilities pertaining to the pursuit until relieved by a supervisor.
- D. SECONDARY PURSUIT OFFICER: means the second or following officer in the MV pursuit backing up the primary pursuit officer.
- E. EMERGENCY SITUATION: means a clear and immediate threat that represents a willful disregard by the occupant(s) of the vehicle for the rights and safety of others and that places the public in imminent danger of great bodily harm or death.
- F. SUPERVISOR: means a Department Conservation Officer who holds the position of district wildlife supervisor or higher, who has been advised about an ongoing MV pursuit and conducts the supervisory responsibilities pertaining to the pursuit.
- G. AUTHORIZED EMERGENCY VEHICLE: a vehicle equipped with emergency red lights and siren.

MV Pursuit Restrictions

MV pursuit may be initiated when, in the officer's opinion, an individual clearly exhibits intent to avoid apprehension by using a motor vehicle to actively flee and an emergency situation exists. Only authorized emergency vehicles, including unmarked vehicles, equipped with red lights and siren may enter into a MV pursuit.

In cases when initiating/primary pursuit officers are in an unmarked unit, the officer will immediately request an officer in a marked unit to take over the primary position. When the officer in a marked unit is able to actively take the lead, the officer in the unmarked unit will withdraw from the primary position and take up a secondary position. In the event the MV pursuit ends before a marked unit arrives, a plainclothes officer shall display or wear a badge and verbally identify himself or herself as an officer. The insignia of the Department is expected to be prominently displayed on their person when exiting their vehicle, if time and safety permit.

No officer shall enter a MV pursuit in which two law enforcement vehicles are already involved unless specifically authorized by a supervisor. An officer will join pursuits initiated by other agencies only if specifically requested and a clear and immediate threat to the safety of the public or other officers exists.

Officers involved in a MV pursuit will not attempt to pass the primary officer unless instructed to do so by that officer or when the primary officer is unable to continue. The secondary pursuit officer will maintain a safe distance behind the primary pursuit vehicle, but will remain close enough to render back up assistance.

Exemption: Nothing in this policy will prevent a marked or unmarked Department vehicle from arriving at a location where a MV pursuit, emergency call or vehicle stop has occurred or is occurring.

Considerations when initiating or continuing a MV pursuit

The seriousness of the possible outcome of a MV pursuit commands the officer to weigh many factors when deciding to initiate or continue a pursuit. Officers will not initiate or continue a high-speed pursuit when the immediate danger to the officer and the public created by the high-speed pursuit exceeds the immediate danger to the public if the occupants of the motor vehicle being pursued remain at large.

Factors to be considered include, but are not limited to:

1. Whether a suspect poses a clear and immediate threat of death or serious injury to others.
2. The seriousness of the offense for which the pursuit was initiated.
3. Road, weather, environmental and vehicle conditions.
4. The amount of motor vehicle and pedestrian traffic.
5. Knowledge of the suspects identity, possible destination and previous activities that may make apprehension at a later time feasible.

6. Nature of the area such as: residential, commercial, school zones, open highway, etc.
7. Pursuit vehicle or officer capabilities.
8. Presence of non-commissioned people in the Department vehicle.

Upon initiating a MV pursuit the initiating officer will engage emergency lights and siren. The officer shall attempt to provide radio communications or a local law enforcement dispatcher with as much of the following information as possible:

1. Reason for the pursuit.
2. Location and direction of travel.
3. Road condition.
4. Amount of vehicle and pedestrian traffic along the pursuit route.
5. Vehicle speeds involved in the pursuit.
6. Description of the vehicle and occupants.
7. Any other important factors such as: weapons, hostages, erratic driving by suspect, etc.

Once a secondary pursuit officer arrives, that officer shall take over the responsibility of relaying the information associated with the MV pursuit. Officers engaged in a MV pursuit will request that all of the above information be immediately routed to a supervisor as soon as possible.

Coordination Responsibilities

Officer(s) engaged in a MV pursuit shall attempt to request that all information pertaining to the MV pursuit be immediately routed to a supervisor as soon as possible.

Officer(s) engaged in a MV pursuit that crosses a jurisdictional boundary (i.e. city or county line) shall attempt to notify the proper jurisdictional agency and Department supervisor.

Department officials shall and Radio Communications shall develop MV pursuit standards and procedures for dispatchers to follow that outline dispatcher responsibilities for coordination with supervisors and other law enforcement agencies during a MV pursuit.

Supervisor's responsibilities during a MV pursuit

1. Upon notification that a MV pursuit is in progress, the supervisor will verify the following:
 - A. The unit(s) involved in the pursuit.
 - B. The location, direction of travel and the speed of the vehicle being pursued.
 - C. The specific reason for the MV pursuit, including the type of violation that initiated the pursuit.
2. The supervisor will assess this information to determine if the pursuit shall continue. The supervisor has the authority to terminate the pursuit. A supervisor's decision to

terminate the pursuit shall be final. A supervisor's responsibility shall not relieve the officers involved in the pursuit from exercising good judgment based on existing conditions and Department policy, to make the decision to terminate the pursuit on their own.

3. The supervisor has the sole authority to authorize a roadblock in an attempt to end the pursuit. In doing so, the supervisor must take into account the geographic location, time of day, present population density, visibility, speed, traffic and road conditions, weather conditions, the condition of the pursuing vehicle and the pursued vehicle's ability to come to a stop given the preceding factors.

Measures to end pursuit

1. Roadblocks will only be used in an attempt to end a pursuit when established at the direction of a supervisor. The authority to establish a roadblock does not fall under the authority of the primary pursuit vehicle operator unless the primary pursuit vehicle operator is a District Wildlife Supervisor or above in rank. Roadblocks shall be designed in a manner as to give the oncoming driver the option of a voluntary stop and a route of apparent safe escape if the driver does not stop.
2. Discharging a weapon at or from a moving vehicle is allowed only when the use of deadly force is justified in compliance with the Use of Force Policy.
3. Other options to end the pursuit may be considered by the officer if practical such as contacting an agency with tire deflating devices for assistance or requesting an aircraft when available, etc.

Termination of pursuits

A MV pursuit shall be terminated for any of the following reasons:

1. In the opinion of the officer or a supervisor, when the immediate danger to the officer and the public created by the high-speed pursuit exceeds the immediate danger to the public if the occupants of the motor vehicle being pursued remain at large.
2. The traffic, roadway or environmental conditions create an obviously consistent hazardous condition for the pursuit.
3. The pursuit vehicles are no longer in constant visual contact with the pursued vehicle.
4. At the discretion of the officer.
5. The suspects' identity has been established to the point that later apprehension can be accomplished and there is no longer a need for immediate apprehension.
6. At the direction of a supervisor.

The officer or supervisor will not be criticized or disciplined for their decision to terminate a pursuit. The termination of a pursuit does not prohibit the following of a vehicle without excessive speed, or remaining in the area to re-initiate a pursuit or contact the suspect if the opportunity and conditions permit.

Post MV pursuit evaluation

Following a MV pursuit, the Chief of Law Enforcement or his designee and the appropriate assistant area chief will conduct an administrative review. This review shall address and determine whether:

1. State law and Department policies were followed.
2. The relevant policy was effective to cover the situation.
3. Previous training was adequate.